



Personal Budgets Policy for children and young people (0-25 years) with special education needs

CONTENTS

Background.....	3
What is a Personal Budget?	3
What is currently available as a direct payment within personal budgets?.....	4
Arrangements for Personal Budgets.....	4
What makes you eligible for a personal budget?.....	4
Personal Social Care budget.....	5
Adult criteria for Personal social care budget	6
Personal health budget	7
Adult criteria for Personal health budget.....	8
Personal Education budget	8
How families will be involved in developing personal budgets	9
Process for requesting a Personal Budget	10
Important clarifications around Personal Budgets	10
Why requests for a personal budget may not be met.....	11
How families, children and young people will be supported regarding personal budgets?..	12
General Support on the SEND Reforms.....	13
What families can do if unhappy about decisions regarding personal budgets?	13
What about children and young people without an Education, Health and Care Plan?	14

Background

Disability under the Equality Act 2010 is defined as having a physical or mental impairment that has a 'substantial' and 'long-term' negative effect on the ability to do normal daily activities. This definition includes children with long term health conditions such as asthma, diabetes, epilepsy, and cancer.

Children and young people with a disability do not necessarily have Special Education Needs (SEN), but there is a significant overlap between disabled children and young people and those with SEN. Children and young people may therefore be covered by both SEN and disability legislation.

A child or young person has a special educational need if he or she has a learning difficulty or disability which calls for special educational provision to be made for him or her. Their special education needs makes learning significantly harder for them compared with other children of the same age.

Usually, the school or education setting will be able to meet the needs of children from the resources already available as part of their school budget. Sometimes a child or young person may require more intensive level of specialist help that cannot be met from the resources already provided by the education setting. In these circumstances, families may request that Haringey Local Authority undertake an Education, Health and Care (EHC) needs assessment of their child. This assessment could lead to their child obtaining an EHC plan.

The Children and Families Act gives parents and young people from birth to 25 years the right to ask or request the Local Authority to prepare a personal budget once the Authority has confirmed that it will prepare an Education, Health and Care Plan (EHCP). Parents/young people can also request a personal budget during a statutory review of an existing EHC plan.

Where this policy talks about 'children', it is referring to children from birth-16 years, where they are under the compulsory school age. Compulsory school age ends on the last Friday of June in the academic year in which they become 16. 'Young people' are defined as those who are over compulsory school age and under 25.

What is a Personal Budget?

A personal budget is defined by the 0-25 SEND Code of Practice as an amount of money that has been identified by the Local Authority to deliver some or all of the provision set out in an Education, Health and Care (EHC) Plan in order for the child or young person to achieve an agreed set of educational outcomes.

A personal budget can be from education, health or social care or a combination of funding across these areas. Families can ask for or request a personal budget at the point when an EHC Plan is drawn up, when an EHC Plan annual review takes place or when a statement of SEN is transferred into an EHC Plan.

The policy makes clear which elements of Education, Social Care and Health funding are part of the personal budget and how the personal budget funding will be made available.

What is currently available as a direct payment within personal budgets?

From September 2016, the direct payments that available across Education, Health and Social Care Personal Budgets are:

- 1) Short breaks (Social Care)
- 2) Continuing Care (Health)
- 3) Transport
- 4) Exceptions may be made for support in education (Education)

Arrangements for Personal Budgets

There are four ways in which Personal Budgets are made available to the child, young person or family acting on their behalf. These are:

- 1) The Local Authority, NHS Haringey CCG, school or college may hold the funds, manage a personal budget on behalf of the family or young person or directly provide the support identified. This is also known as a notional arrangement.
- 2) A direct payment; where families or young people receive a bank transfer to contract, purchase and manage services themselves.
- 3) Third party arrangements whereby direct payments are paid to and managed by an individual or other organisation on behalf of the family or young person.
- 4) a combination of the above three options

What makes you eligible for a personal budget?

The focus for having an EHC plan is a child or young person with special educational needs who requires additional support over and above the resources available in the school/college (Local Offer).

Children or young people with health or social care needs but no special education needs will not be issued with an EHC plan. They may be eligible for a personal

health budget and/or social care personal budget if they meet the criteria for each service.

Personal Social Care budget

This budget is made available if a young person or child is assessed as having a permanent and substantial disability which has a considerable impact at home and when out and about in the community.

Services which are available in the Social Care personal budget are known collectively as Short Breaks and comprise the following services: domiciliary care in the home, after-school and play scheme activities and overnight respite provision.

The Children and Young Persons Act 2008 was amended to include a new duty to provide short breaks in which every Local Authority is required to provide services to minimise the effect on disabled children within their area of their disabilities; to give children the opportunity to lead lives which are as normal as possible and to assist individuals who provide care or to do so more effectively, by giving them breaks from caring.

With personal social care budgets, families receive a direct payment to purchase short breaks. They may manage this funding directly or ask an organisation to manage it on their behalf.

Funding is prioritised for the following groups of children:

- Children and young people with severe autism and learning disabilities (likely to have other impairments and challenging behaviour);
- Children and young people with complex health needs;
- Children and young people with moving and handling needs;

More information on the Social Care Personal Budget (Short Breaks) can be found in the SEND Local Offer Website and in the eligibility document for the Disabled Children's Social Care Team.

For details about how to apply for Social Care Personal Budget; the contact details are as follows:

Email: DCTPersonalBudgets@haringey.gov.uk

Phone: 020 8489 3003 or 020 8489 4545

Adult criteria for Personal social care budget

Young people between the ages of 18-25 years who remain in full-time education after 18 years of age may be eligible for a personal budget from Adult Social Care.

The transition to adulthood and therefore Adult Social care will have been underway by the time of the young person's 16th birthday at school and continues up to the age of 25 years.

Young people who have significant learning disabilities will be eligible to receive support from Adult Services from the age of 18 years. An assessment will be undertaken to determine if the young person is eligible for adult personal budget which will include information from the young person's EHC Plan.

Information about Personal budget for Adult Social Care (applies to young people who are 18 years and above) is found in the link below:

http://www.haringey.gov.uk/index/social_care_and_health/social_services-money_matters.htm

For details about how to apply for Adult Social Care Personal Budget; please contact:

Tel: 020 8489 1400

Opening Hours 9am - 5pm, Monday - Friday

Email: IAT@haringey.gov.uk

Text: IAT to 80818

(charged at standard rate depending on provider and subscriber's package)

Write to

Integrated Access Team
London Borough of Haringey
3rd Floor, 10 Station Road
Wood Green
London N22 7TR

One of our dedicated team of Community Care Officers will be pleased to assist with your enquiry.

Web: [Visit Haricare \(external link\)](#) - the online directory of services for adults

Personal health budget

This budget is for children and young people birth -18 years that are eligible for **continuing care support**. The support is a tailored package of care due to their complex long-term and/or life limiting health condition. This budget supports a child or young person's identified health and wellbeing needs through considering their physical, emotional and intellectual development as they move towards adulthood.

Children who are judged to have a continuing care need may require technology, for instance a device such as a respirator to aid breathing or they may have significant mental health difficulties.

A Personal Health Budget can be given to anyone who meets continuing care criteria by NHS Haringey Clinical Commissioning Group.

For details about how to apply for Continuing Care Personal Budget; see below:

Address

NHS Haringey Clinical Commissioning Group

4th Floor River Park House

225 High Road

Wood Green

London

N22 8HQ

Telephone: 020 3688 2741 / 2744

Fax: 020 3553 5705

Email: continuingcare1@nhs.net

Further details of the Personal Health Budgets are found below:

<http://www.haringeyccg.nhs.uk/talk-to-us/PHBs.htm>

(Press Ctrl and click to open link)

Adult criteria for Personal health budget

Young people between the ages of 18-25 years who remain in full-time education after 18 years of age may be eligible for a personal health budget from NHS Haringey Clinical Commissioning Group.

Guidance and information on NHS Continuing Healthcare for young people aged 18 years and above with complex ongoing health needs is found in the link below:

<https://www.gov.uk/government/publications/national-framework-for-nhs-continuing-healthcare-and-nhs-funded-nursing-care>

Personal Education budget

An Education, Health and Care Plan (EHCP) may identify a child or young person who has special educational needs and requires additional support beyond that which the educational establishment can fund and provide.

How education support is funded

Assistance towards meeting educational outcomes of children and young people is funded from three sources:

1. **Element 1** is the amount delegated per pupil and provided to schools. In Haringey the 2014-15 financial amounts are £3,561.51 in primary schools and £5,287.30 in secondary schools.
2. **Element 2** is the amount delegated to schools in other funding streams to enable schools to provide up to an additional £6,000 per pupil to meet special needs. The total is known as the school's Notional SEN Budget.

In special schools and special units, Elements 1 and 2 are combined to provide for £10,000 for each place at the school. In other words, a special school has funding that contributes £10,000 towards the cost of the support to enable the pupil to achieve their educational outcomes.

In alternative provision the contribution per place is £8,000 which is rose to £10,000 in 2015-16.

For mainstream schools, the contribution by the school is £6,000 (Element 2) in addition to basic education costs (which averages £4,000 for Element 1).

3. **Element 3** is a 'top-up' that only applies when the cost of support for an individual pupil exceeds the funding provided in the delegated school budget (which are Elements 1 and 2). If a child needs more help over and above the support funded by Elements 1 and 2, the Council will make additional

funding available from what is called the 'High Needs Block' which it manages.

The top-up from the High Needs Block follows a pupil from school to school, meaning if a child moves from one school to another, the top-up funding will support the child in the school to which he or she has moved to.

Services that may be considered for an education personal budget; transport and education support

If the EHC Plan has transport requirements included, Haringey will ensure that transport is provided through the in house Passenger Transport Service. However, there may be circumstances whereby a direct payment will be considered to enable families to purchase and make their own travel arrangements. If this option is provided, families cannot use the council escort service provided as part of the in house transport arrangements

There may also be instances where a child or young person is in an educational placement and requires services identified for them which are not available to the education setting. A direct payment may be considered as a means to purchase the support required.

Please contact Central SEN Services below in such circumstances or look on the Local Offer website under 'Transport' for more details

Contact email and number for queries on Personal Budgets for transport:

Central SEN Services
Children and Young People's Service
Haringey Council

Email: sen@haringey.gov.uk

Phone: 020 8489 3668

Post: Alexandra House, 2nd Floor, 10 Station Road, Wood Green, N22 7TR

How families will be involved in developing personal budgets

This policy will be reviewed annually and in consultation with parents, children and young people.

Every family, child and young person has the right to have transparent and clear information and be part of the discussions as to how funding resources that are allocated on their behalf are best used.

In this way, families may still influence these decisions without undertaking the additional options involved with obtaining a Personal Budget through direct payment or management of funds via a third party.

Eligible families will have the option of requesting a direct payment element, where applicable, or use the services that are already provided.

Process for requesting a Personal Budget

- A special education need is the focus for having an EHC plan issued.
- Families may request a Personal Budget during the development of an EHC plan, statutory review of an EHC plan or when the statement of SEN is converted into an EHC Plan.
- The Education Health and Care Plan Assessment Co-ordinator will support the child/young person and their families to consider their options around personal budgets.
- Families will hold up to three meetings with the EHCP Co-ordinator to work together to develop an EHC Plan.
- Multi-agency person centred meetings will be chaired by the EHCP Co-ordinator to develop the Education, Health and Care plans with the young person and their families at the heart of the process.
- The plan will specify the education, health and social care provision to be made for the child or young person to meet the outcomes identified.
- During the process of developing the plans, the child/young person and their families will be asked if whether they would be interested in having the personal budget attached to their plan as a direct payment.
- The EHC Plan will set out the indicative value of the personal budget. It will **not include** the value of the support services already commissioned by the LA/Health/education provider.
- The process takes up to 20 weeks to complete the plan and the personal budget.

Important clarifications around Personal Budgets

- If a Personal Budget is taken as a direct payment and funds are to support a pupil/student whilst attending an Education Provision, the Education Provider must agree with the support plan and how the equipment/support to meet additional needs will be used or delivered on their premises.
- The decision to agree to a Personal Educational Budget will ultimately rest with the Local Authority as they must ensure that there will be no detrimental impact on the young person or other pupils/students.
- **Personal Budgets will not affect any welfare entitlements that a child or young person, from 0-25 years of age, is entitled to as it is not classed as income.**
- Services and provision for children and young people will continue to be developed and delivered in a person centred way and in partnership with families.

- Local commissioning arrangements vary across boroughs meaning that it is difficult to compare personal budget arrangements. It may be that in one borough, the direct payment option may not be available for a service such as Occupational therapy while in another borough; the direct payment option is available for families to purchase the support themselves.
- For children and young people who currently have a statement; arrangements are being made to plan the transition to the new Educational Health and Care Plan.

Remember that families in Haringey are already receiving personal budgets through their statement for Education and Social Care support needs and if eligible, continuing health care support. These budgets will be outlined in the education health and care plan.

Why requests for a personal budget may not be met:

If Haringey Council is unable to provide a personal budget or a direct payment the child's parent or young person should expect to be informed of the reasons.

Possible reasons may include:

- 1) The Local Authority may be unable to separate out funding which is being spent on services delivered to a number of children and young people with special education needs or disabilities.
- 2) The Local Authority, Health or Education Provider has already commissioned the support identified in the plan and therefore it is not available as a sum of money for child/young person and their families to purchase the service themselves.
- 3) The allocation of the provision may be best delivered in a group rather than on a one to one basis which keeps costs affordable.
- 4) The individual allocation of the provision while in school may not be practical, due to the number of professionals present in the class and who are involved with the class team when planning the child's care.
- 5) To extract that element of provision from existing pre-commissioned arrangements would incur additional financial costs to the Local Authority and/or its partners. An example would be where the child or young person has access to equipment that is shared by others in school setting and where the option to provide that equipment for one to one usage in the home would necessitate a duplication of funding.
- 6) To alter existing contractual arrangements where a provider delivers a specified amount of services aimed at a particular group (in this case children and young people with special educational needs and disabilities) may not ensure better use of resources.
- 7) The Health commissioning body (NHS Haringey Clinical Commissioning Group) is responsible for arranging the health care specified in the child or young person's EHC plan. If the child's parent or the young person wants to

make alternative arrangements for health care provision, please refer to the Personal Health Budget for details.

See below a direct quotation from the Personal Budget Regulations 2014

Before deciding to make direct payments, the local authority must be satisfied—

- (a) That the way in which the person who receives the direct payments proposes to use them to secure the agreed provision is an appropriate way to do so;
- (b) That where a parent or nominee is to receive direct payments, that person will act in the best interests of the child or young person when securing the agreed provision;
- (c) that the making of direct payments will not have an adverse impact on other services which the local authority provides or arranges for children and young people with an EHC plan for which the authority is responsible; and,
- (d) That securing the agreed provision by means of direct payment is compatible with the authority's efficient use of resources.

How families, children and young people will be supported regarding personal budgets?

Independent Support (IS) is a Government funded programme which is available to provide additional support to parents, carers and young people during the implementation of the SEND reforms.

The Council for Disabled Children (CDC) has commissioned a range of organisations to provide Independent Support locally across England. In Haringey, Barnardo's are commissioned by the CDC to provide Independent Support.

Independent Supporters are a mixture of paid staff and volunteers offering help targeted around the Education Health and Care (EHC) assessment and Plan processes.

They are a resource for parents of children aged 0-15 transferring from a statement to an EHC Plan and for young people aged 16-25 who are transferring from a statement or Learning Difficulty Assessment to an EHC Plan. Independent Supporters are also available for families with children or young people who are being assessed for an EHC Plan for the first time.

They offer a range of time-limited, targeted support, for up to 20 weeks for each family or young person requiring an Independent Supporter, (IS). The IS will signpost to other relevant services if the family or young person require this.

Parents, carers and young people can self- refer for Independent Support to either of the two provider agencies, Barnardo's or Markfield.

Schools, children's centres, the local authority and other agencies may also refer people.

General Support on the SEND Reforms

If you need support with understanding any other aspect of the Special Educational Needs system you can contact the **Haringey Information Advice and Support service (IASS)** formerly called the 'Parent Partnership Service'. This is provided by Markfield, a local charity based in Tottenham that provides a range of services for disabled people and their families. The IASS has a broader remit than Independent Support as it provides information, advice and support to all parents/carers and children & young people with SEND who request it, whether or not they have a statement.

Contact details for Markfield and Barnardo's:

- **Markfield (IASS)**
Contact us for wider Information Advice and Support around special educational needs & disabilities issues.
Telephone: 020 88802 2611
Email: familyadmin@markfield.org.uk
Address: Markfield Park, Markfield Road, N15 4RB
www.markfield.org.uk
- **Barnardo's**
Contact us for Independent Support in relation to EHC Plans.
Email: ISHaringey@barnardos.org.uk

What families can do if they are unhappy about decisions regarding personal budgets?

- If families are not happy with the content of the final Education, Health and Care Plan, please contact your Special Needs Officer as soon as possible. Families have a right to appeal directly to SEN and Disability Tribunal (SENDIST) and this is not affected by any discussions held with the Special Education Needs Officer.
- Another option for families is to make contact with **Haringey Information Advice and Support service (IASS)** (formerly called the 'Parent Partnership Service').who will be able to offer help, information, guidance and advice.
- The Local Disagreement Resolution Service aims to resolve disputes locally. This includes mediation around continuing care as well as EHC Plans in

relation to the health component of the plan. The independent SEN disagreement resolution service is managed by KIDS, a charity with over thirty years' experience of working with children who have special needs and their families. www.londonsenmediation.org.uk

Using mediation does not affect your right of appeal to the SEND Tribunal.

Address: KIDS London, 7 - 9 Elliot's Place, London N1 8HX

Tel: 020 7359 3635

Fax: 020 7226 2845

Website: www.kids.org.uk/mediation

- Families will have the right to appeal to the Special Educational Needs and Disability Tribunal (SENDIST) within two months of the date of correspondence sent by the Local Authority. Details on how to appeal are obtained at SENDIST, Health Lists Tribunal, 1st Floor, Darlington Magistrates Court, Parkgate, DL1 1RU. Telephone: 01325 289 350 or email: sendistqueries@hmcts.gsi.gov.uk. Website: www.sendist.gov.uk

What about children and young people without an Education, Health and Care Plan?

Under the previous system, additional help and support for children at school without a Statement of SEN was provided through School Action or School Action Plus.

The SEN Code of Practice has identified one category for all children needing SEN support called Additional SEN Support. This will replace School Action and School Action Plus.

SEN Support is available in early year's settings, schools and college for children and young people who have special educational needs but do not have an Education, Health and Care Plan. Further information is available by looking at the education establishment's Local Offer or on Haringey Council's website.

If worried about a child's learning at school, families can contact the school SENCO or school SEN Governor if there has not been a satisfactory response.